

Child Focused Consultant Program

The Family Dispute Resolution Unit at the Legal Services Commission of South Australia (Legal Services) runs a lawyer-assisted **Family Dispute Resolution (FDR)** program. This program helps couples resolve parenting and property matters at **Family Law Conferences** where at least one party has a grant of legal aid.

In some parenting matters, parties attending a Family Law Conference may benefit from hearing the views of the children. Legal Services can help arrange an independent **Child Consultant** to provide feedback to the parties about the children's views. This is called the **Child Focused Consultant program**.

The Child Consultant's role and the feedback provided is a **confidential** part of the FDR process. It is inadmissible under section 10J of the Family Law Act, which means the feedback cannot be mentioned in Court.

Eligibility

A referral to the Child Focused Consultant program with the FDR Unit will only be made where

1. someone involved in the matter has or is eligible for **legal aid** (this could be one or both of the parties or the Independent Children's Lawyer)
2. the children are **7 years old** (or older, depending on their developmental needs)
3. the parties have attended a first FDR Conference and the Chairperson has made a **referral** to the Child Consultant, or there is a current **court order**
4. all parties understand that the Child Consultant process is **confidential** as part of the FDR process
5. all parties **sign a written Agreement** and a **Consent Form** consenting to participate in the process.

Referral

At the first Conference, both parties must **agree** for the Child Consultant to meet with the children and seek their views.

Both parties must sign a **Heads of Agreement** and a **Consent Form** to show that they understand and agree to the terms of the Child Consultant's involvement.

The parties agree to provide relevant documents to the Child Consultant to help them understand the matter before they meet with the children.

The Chairperson will make a time for the children to meet with the Child Consultant. The Chairperson will also arrange a second Conference date (a '**Review Conference**') to be held after the Child Consultant has met the children. All parties agree to attend the Review Conference to hear the Child Consultant's feedback.

The FDR Unit will help arrange the Child Consultant's meeting with the children after the Chairperson has made the referral. The FDR Unit will send a confirmation email to the parties (or their lawyers if they are represented) with the date, time and location of the Review Conference.

Child Consultant expertise

Child Consultants

- operate on a case-by-case basis
- are **independent** of Legal Services
- must be qualified in **child psychology**
- must have **experience** working with families and children, including at the Family Law Courts
- must have a current National Police Check and a Working with Children Check
- are mandated reporters.

The Child Consultants who work with Legal Services are highly regarded within the profession.

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Meeting with the children

When the parties agree to involve the Child Consultant, they decide who will bring the children into the office to meet with the Child Consultant.

Meetings are usually held a week before the Review Conference. The FDR Unit will confirm the details of the appointment beforehand with the parent who will bring the children to the meeting with the Child Consultant.

Meetings with the children are usually held in a secure and child-friendly interview room at Legal Services' **Adelaide** office. Sometimes it may be more appropriate or suitable for the children to meet the Child Consultant at another Legal Services office or online.

The Child Consultant may meet with the children separately or together. To allow the children to speak freely, parents do not attend the Child Consultant's meeting with the children. Meetings will usually be an hour. The Child Consultant will only speak with children who are willing to meet with them.

At the meeting, the Child Consultant will ask the children to talk about their **views** and any **concerns** they have. Unless it is agreed in writing or there is a court order, the Child Consultant will **not** prepare a written report of the meeting.

Notes made by the Child Consultant during the meeting are **confidential** and inadmissible under the terms of the Confidentiality Agreement signed by the parties. Parents should not ask their children about their meeting with the Child Consultant. The purpose of the meeting is to allow the children to share their views without worrying about how their parents may respond.

Role of the Child Consultant

Generally the Child Consultant will only meet with the children **once**. They will not have ongoing involvement with the family.

It is not the role of the Child Consultant to take sides or make recommendations about the children in the future. The Child Consultant listens to what the children say about what is happening for them and how they feel about possible future arrangements. The Child Consultant then conveys this to the parties at the Review Conference.

The Child Consultant's role is **not** to diagnose or treat the children. Sometimes they may make suggestions or observations to the parties after they meet the children.

While the Child Consultant must maintain confidentiality, as a mandated reporter, the Child Consultant must advise the Department for Child Protection if they suspect that a child is at risk of harm, abuse or neglect.

Feedback at Review Conference

The Child Consultant usually attends the Review Conference in person with the parties, their lawyers and the Chairperson.

At the start of the Review Conference, the Child Consultant tells each of the parties the children's views in private sessions with the Chairperson. The Chairperson will then usually conduct a shuttle mediation with the parties and their lawyers.

The Child Consultant will usually leave the Conference after they have shared the children's views with the parties. Sometimes the Chairperson will ask them to stay close by to clarify any issues or answer any questions that arise during the Conference.

If an agreement is reached at the Review Conference, another written Heads of Agreement is prepared. A signed copy of this agreement is given to all parties.

If the matter is in court, this agreement can form the basis of **consent orders** which the parties may seek at the next court hearing. Everything said at the Review Conference, including the Child Consultant's feedback, is **confidential** and cannot be used or mentioned in court.

Benefits

For many families, a Child Consultant can add valuable and child-focused information to the FDR process. The aim of the Child Consultant's involvement is to give children a **voice** in the discussions and outcome, including how they might feel about certain arrangements. It can help the parties understand the effect of the dispute on their children, which may help them find a way to reach agreement.

The hope is that when parties have reached agreement having heard the children's views through the Child Consultant, it will be more durable and the parties may be more flexible and child-focused moving forward.

If you have any questions about the Child Focused Consultant program, please contact the FDR Unit.

Call **8111 5534**

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